

Bruce W. Minsky (BWM6615)  
Law Offices of Bruce W. Minsky, P.C.  
112 Brick Church Road  
New Hempstead, New York 10977  
(646) 234-7006  
Attorneys for the Defendant DIVERSIFIED RECOVERY SOLUTIONS, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HARRY PASCAL, individually and on behalf of  
any and all similarly situated consumers,

Plaintiff(s),

CASE NO.: 08-4726

-against-

ANSWER

DIVERSIFIED RECOVERY SOLUTIONS, LLC,

Defendant(s).

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**S I R S :**

Defendant DIVERSIFIED RECOVERY SOLUTIONS, LLC ("Defendant" or "DRS"), by its attorneys, Law Offices of Bruce W. Minsky, P.C., answers the Plaintiff HARRY PASCAL's ("Plaintiff" or "Pascal") Complaint ("Complaint") as follows:

PRELIMINARY STATEMENT

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered "1" of the Plaintiff's Complaint and, additionally, refers all questions of law to the Court.

JURISDICTION AND VENUE

2. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered "2" and "3" of the Plaintiff's Complaint and, additionally, refers all questions of law to the Court.

PARTIES

3. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered "4" of the Plaintiff's Complaint.

4. As to paragraph numbered "5" of the Plaintiff's Complaint, Defendant admits (i) being a limited liability company located at 134C South Central Avenue, Elmsford, New York, Westchester County, and (ii) undertaking the collection of debt on behalf of third-party clients, and denies the remaining allegations therein.

CLASS ACTION ALLEGATIONS

5. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph numbered "6", "7", "8", "9", "10", "11", "12", "13" and "14" of the Plaintiff's Complaint and, additionally, refers all questions of law to the Court.

STATEMENT OF FACTS

6. As to paragraph numbered "15" of the Plaintiff's Complaint, Defendant admits that the 'letter', attached as Exhibit "A" to the Plaintiff's Complaint, was prepared and/or mailed for/on behalf the Defendant, that the factual content of the 'letter', attached as Exhibit "A" to the Plaintiff's Complaint, speaks for itself, but denies any inferences that are included in the remaining allegations therein.

7. As to paragraph numbered "16" and "17" of the Plaintiff's Complaint, Defendant admits that the factual content of the 'letter', attached as Exhibit "A" to the Plaintiff's Complaint, speaks for itself, but denies any inferences that are included it in remaining allegations therein.

8. As to paragraph numbered "18" of the Plaintiff's Complaint, Defendant admits that the Defendant has a place of business at 134C Saw Mill River Road, Elmsford,

New York 10523.

9. Denies the allegations contained in paragraph numbered 19", "20" and "21" of the Plaintiff's Complaint.

FIRST CAUSE OF ACTION

10. Defendant repeats and realleges each and every denial, admission and/or response as set in the responses paragraphs numbered "1" through "21" of the Plaintiff's Complaint.

11. Denies the allegations contained in paragraph(s) "23" and "24" of the Plaintiff's Complaint and, additionally, refers all questions of law to the Court.

FIRST AFFIRMATIVE DEFENSE

12. The Plaintiff's Complaint fails to state a cause of action.

SECOND AFFIRMATIVE DEFENSE

13. The damages alleged in the Plaintiff's Complaint are due in whole or in part to the Plaintiff's own behavior.

THIRD AFFIRMATIVE DEFENSE

14. The claims arising out of the subject matter of the transactions and occurrences alleged are barred by an absence of legal responsibility on the part of Defendant.

FOURTH AFFIRMATIVE DEFENSE

15. The claims arising out of the subject matter of the transactions and occurrences alleged in the Plaintiff's Complaint are barred by their falsity.

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FIFTH AFFIRMATIVE DEFENSE

16. Defendant hereby gives notice of its intentions to rely upon such other and further defenses as may become available or apparent during discovery proceedings in this action and hereby reserves the right to amend its Answer and to assert any such defense by appropriate motion or otherwise.

SIXTH AFFIRMATIVE DEFENSE

17. The Plaintiff's claims as contained in the Complaint and arising out of the subject matter of the transactions and occurrences therein alleged are barred by the doctrine of unclean hands and/or in pari delicto principles.

SEVENTH AFFIRMATIVE DEFENSE

18. The claims arising out of the subject matter of the transactions and occurrences alleged are barred by the doctrine of equitable estoppel.

EIGHTH AFFIRMATIVE DEFENSE

19. The Plaintiff has failed to mitigate its damages.

**WHEREFORE**, the Defendant DIVERSIFIED RECOVERY SOLUTIONS, LLC demands: (i) judgment dismissing the Plaintiff HARRY PASCAL's Complaint; (ii) the costs and disbursements of this action and attorney fees incurred by the Defendant DIVERSIFIED RECOVERY SOLUTIONS, LLC, incurred in defending this action, from the Plaintiff HARRY PASCAL; and, (iii) for such other relief as this may deem just and proper.

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Dated: New Hempstead, New York  
June 11, 2008

Yours, etc.

**LAW OFFICES OF BRUCE W. MINSKY, P.C.**

By: 

Bruce W. Minsky (BWM6615)

Attorneys for the Defendant

**DIVERSIFIED RECOVERY SOLUTIONS, LLC**

112 Brick Church Road

New Hempstead, New York 10977

(646) 234-7006

To: Kleinman, LLC  
626 Rexc corp Plaza  
Uniondale, New York 11556-0626

CLERK, US District Court  
Southern District of New York

**CERTIFICATE OF SERVICE**

On June 12, 2008, I caused the foregoing Answer to the Plaintiff's Complaint to be served via regular/overnight mail (Federal Express) upon the following party(ies):

Kleinman, LLC  
626 Rexcorp Plaza  
Uniondale, New York 11556-0626

  
Bruce W. Minsky



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CASE NO.: 08 CIV 4726

HARRY PASCAL, individually and on behalf of any and all similarly situated  
consumers,

Plaintiff(s),

-against-

DIVERSIFIED RECOVERY SOLUTIONS, LLC,

Defendant(s).

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ANSWER

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LAW OFFICES OF BRUCE W. MINSKY, P.C.  
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New Hempstead NY 10977  
Phone: (646) 234-7006

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